Opening Statement for Governor Baldacci's Task Force on Safer Chemicals in Consumer Products and Services

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Chair, Governor's Task Force on Safer Chemicals in Consumer Products and Services

I am honored to serve on Governor Baldacci's Task Force on Safer Chemicals in Consumer Products and Services.

Between today and this same time next year, up to 2,000 new chemicals may come onto the U.S. market[1]. This potentially translates to six new chemicals on the market by the close of business -- today. It is far from clear that adequate mechanisms are in place to ensure that these products are safe for everyday use.

That is why we are assembled here: to begin to examine steps Maine can take to ensure that the chemicals we use in our homes are safe. The reason that Maine businesses and the Department of Economic and Community Development were made part of this task force by Governor Baldacci is to underscore the commitment to protecting Mainers and our children in the context of a growing and expanding economy. Our task is to examine the mechanisms necessary to ensure that we have a reasonable margin of safety from toxic substances in our homes while we allow our businesses and commercial communities to thrive and grow based on sustainable growth principles.

The historical context we are operating within is the federal EPA program under the law known as TSCA (Toxic Substances Control Act), which is intended to implement regulation of chemicals in commerce. According to reports by third parties including the Government Accounting Office (in 1995 and 2005)[2], EPA's implementation of TSCA has not served as an effective vehicle for the public, industry or government to assess the hazards of chemicals in commerce or to control those of greatest concern. Basic information on the health and environmental impacts of many of the 80,000 chemicals already registered for commerce in the U.S. is not available in many cases.

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[1] Green Chemistry in California: A Framework for Leadership in Chemicals Policy and Innovation page xiii

[2] Green Chemistry in California: A Framework for Leadership in Chemicals Policy and Innovation page xiii

Is this an issue for Maine? It is when you realize home use of pesticides – including lawn & garden products like weed & feed or grub controls, in Maine has more than tripled from 1995 to 2004 from 800,000 lbs to 3 million pounds. These products have been widely released into our environment for over 40 years.

Again, the history of our legacy of pesticide use in the 20th century informs where we are today. A U.S. Geological Survey study released this year found that organochlorine pesticides, most of which are no longer in use, are still detected in 94 percent of fish tissue samples and 80 percent of stream bed sediment in urban areas. USGS also found that these organochlorine pesticides are detectable in 57 percent of the fish tissue samples and 24 percent of stream bed samples in non-agricultural areas with no development -- *in entirely undeveloped areas*.

The 2006 U.S. Geological Survey study found that insecticides like Sevin and Diazinon were detected more frequently and at higher concentrations in urban streams than in agricultural streams. In Southern Maine, surface water sampling by the Friends of Casco Bay from 2001 to 2005 found the most common weed killers as well as the insecticide Diazinon, which is no longer approved for residential use, in the waters. Many of these detections were at levels believed to affect aquatic life.

All too often we assume the products that we buy at our local stores or the services we hire are completely safe because the government is there to protect us. Unfortunately, our quest for the perfect yard has driven us to the point of overuse of these products and services, resulting in widespread, low level contamination of our water resources. To help stem this demand, Maine's Department of Agriculture has joined the YardScaping Partnership to promote a healthier approach for maintaining our lawns and gardens (for more information go to www.yardscaping.org).

Once these chemicals are released, our experience tells us we as a civilization simply cannot control where they go in our environment. We have learned this lesson again and again, with PCB's detected in Antarctica long after their production was phased out and current research by the Biodiversity Institute in Maine on increasing mercury levels in wildlife across the Northeastern U.S. Unfortunately, federal oversight of chemicals in consumer products and services is more limited than many consumers think.

We recognize that federal leadership to address the shortcomings of TSCA is unlikely to occur under the current federal administration. Therefore, once again the states acting as "laboratories of democracy" together with innovative businesses represented here by Tom's of Maine and Interface Fabrics and with active citizens represented today by the Alliance for a Clean and Healthy Maine, the Environmental Health Strategy Center, the Natural Resources Council of Maine, and the Maine State Employees Association, are stepping up to fill the leadership void. Washington, California and Massachusetts have all undertaken recent initiatives in the area of chemical safety.

While Maine is a relatively small state we continue to have a large impact on national environmental policy. Maine passed one of the first laws in the country requiring handlers of junk cars to remove switches containing mercury before they are sent to the crushers and ultimately to smelters where that mercury would become air emissions that would come back down on our lakes, rivers and streams.

Maine's mercury auto switch law introduced the concept of product stewardship and required vehicle manufacturers to pay for the system to collect the switches to be removed from the junk

vehicles with a bounty for each switch returned. The automobile manufacturers mounted an unsuccessful legal challenge and our law was upheld.

Multiple states have subsequently passed or are proposing similar mercury auto switch laws. As a direct result, EPA and the Environmental Council of the States just this month have reached an agreement with automobile manufacturers to fund a national program of mercury switch collection systems and bounties *in any state* that wants to participate. As we embark on our mission today we may once again be charting a course for other states to follow.

These efforts have been challenged: fortunately the U.S. District Court for Maine has upheld the legality of product stewardship principles against a challenge from the auto manufacturers. The Maine legislature has now incorporated product stewardship principals into solutions to other environmental challenges including manufacturer responsibility for mercury thermostats and electronic waste.

This task force is charged with duties in Governor Baldacci's Executive Order that include developing recommendations for a more comprehensive chemicals policy -- that will be challenging.

As I look around this room I recognize many representatives from science, environmental and public health groups and Maine businesses. You collectively represent innovation in research, sustainable business practices and consumer products that are safe for people and the environment. You represent alliances that have successfully fought uphill battles to reduce consumer exposure to harmful substances. You represent businesses committed to sustainable economic principles. Meeting challenges with constructive, creative and innovative solutions is something you know how to do and that is why you are here.

As Commissioner of the DEP, I can attest that my department is faced with chemical challenges on a daily basis. Recently, DEP was in a neighborhood in Sanford to inform the residents that a chemical used to dry clean clothes, tetrachloroethylene (PERC), was detected in air samples taken in their apartments. Those affected living spaces are several hundred feet away from a dry cleaning business that closed years ago. This repeats a similar scenario in Bangor a few years ago – we believe there may be dozens of this specific type of site statewide that remain undetected. You can all imagine the concern that residents have with the presence of dry cleaning fluid, an industrial solvent, in the air they breathe, with their families as they sleep.

Maine has recently acted where the federal government failed to address an emerging chemical risk. In 2003, Maine was one of the first states to pass legislation to ban the sale of products containing the two flame retardants containing polybrominated diphenyl ether (PBDE) formulations: penta BDE and octa BDE. The bans became effective January 1, of this year. The Maine Legislature went even further and enacted, with Governor Baldacci's support a law stating its intent to ban the sale of products containing deca BDE effective January 1, 2008, provided safer alternative flame retardants are identified.

These bans were enacted because studies showed that levels of these flame retardants were rapidly increasing in our bodies, in wildlife and in the environment and because human health studies suggested impacts from the penta and octa PBDE congeners. The intent to ban deca BDE is based both on evidence of an exponential increase in prevalence in our mammals, fish, birds and our environment and preliminary evidence that deca BDE may be a neurotoxin or interfere with thyroid function. Maine's efforts to better understand the impacts of brominated flame retardants have resulted in collaboration between Maine CDC and the Maine Center for

Toxicology and Environmental Health at the University of Southern Maine to conduct cutting edge research on the developmental effects of deca BDE. This research seeks to replicate studies conducted to date on the toxicology of the deca BDE compound.

A review by Maine CDC conducted under supervision of toxicologist Dr. Deborah Rice, a member of this Task Force, indicates that deca BDE is being found throughout our environment and that environmental levels are increasing. So far, deca BDE has been detected in regular house dust, in sewage sludge, in fish and birds and mammals and in sediments along waterbodies.

Perhaps through this task force we can help to identify safer substitutes for chemicals such as deca BDE and PERC to move our economy and homes toward sustainable use of less toxic alternatives.

I look forward to working with you over the coming months as we endeavor to develop innovative recommendations to promote safer chemicals in consumer products and services and to support the development of green chemistry and green industries in Maine.